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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,951	02/27/2004	Mark J. Boldizar	02025US	6678

7590

05/12/2006

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EXAMINER
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ROSSI, JESSICA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/788,951

Applicant(s)

BOLDIZAR ET AL.

Examiner

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/8/06, Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This action is in response to the amendment dated 3/8/06. Claims 1-10 are pending.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 stands rejected under 35 U.S.C. 102(e) as being anticipated by Kodaka et al. (US 2005/0150594, of record).

\*It is noted that the present specification discloses that both the first and second adhesive layers can create stresses that result in curling of the subpad when that adhesive layer is added to its respective surface of the subpad *before* adhering the subpad to the polishing pad, as opposed to the prior art method of adding an adhesive to the polishing pad and then adhering the subpad to the polishing pad/adhesive combination.

With respect to claim 1, Kodaka teaches a method of making a layered polishing pad 200 by forming a first double-sided adhesive layer 207 on a bottom surface of a subpad 205, forming a second double-sided adhesive layer 203 on a top surface of the subpad 205 (column 18, lines 29-32), providing a polishing pad layer 201 having a lower surface 213, and adhering the polishing pad layer to the subpad, with the subpad including the second double-sided adhesive

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layer 203 (Figures 3A-3C), by pressing the polishing pad layer lower surface 213 against the second adhesive layer 203 (sections [0032-0033, 0035, 0037]).

Kodaka teaches the first and second adhesive layers being formed onto the top and bottom surfaces of the subpad before adhering the polishing pad to the subpad (Figures 3A-C) and therefore both adhesive layers of Kodaka can create stresses that result in curling of the subpad.

\*Note terms like 'top', 'upper', 'bottom' and 'lower' are relative – especially since one skilled in the art would readily appreciate that the layered polishing pad shown in Figure 7 of the present invention would actually be turned upside down when in use since the layer of adhesive 20 bonds the layered polishing pad to a polishing machine; therefore, when Figures 3A-B of Kodaka are compared to an upside-down Figure 7 of the present invention, it is clear that Kodaka's layer 207 corresponds to layer 20 of the present invention, Kodaka's layer 203 corresponds to layer 30 of the present invention and so on.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodaka as applied to claim 1 above and further in view of the collective teachings of Sawamoto et al. (US 5318835, of record) and Luhmann et al. (US 5897949, of record).

Regarding claim 3, Kodaka teaches the adhesive layers being PSA (section [0037]) but it is unclear as to whether the adhesive layers are attached to their respective surfaces of the subpad by lamination. The examiner would like to point out that the subpad of Kodaka can be made from a variety of materials including foam (sections [0033]).

Selection of a particular method for forming the adhesive layers on the subpad would have been within purview of the skilled artisan; however, it would have been obvious to the skilled artisan to laminate the PSA layers of Kodaka to their respective surfaces of the subpad because it is known in the adhesive art to laminate PSA layers on opposing surfaces of a foam substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60).

Regarding claim 10, all the limitations were addressed above with respect to claim 1 except sequentially forming the adhesive layers 207, 203 of Kodaka on opposing surfaces of the subpad 205. Kodaka teaches forming the adhesive layers on opposing surfaces of the subpad before securing the polishing pad to the subpad (Figures 3A-C) but it is unclear as to whether the adhesive layers are sequentially formed on the subpad. The examiner would like to point out that the subpad of Kodaka can be made from a variety of materials including foam (sections [0033]) while the adhesive layers can be PSA (section [0037]).

Selection of a particular method for forming the adhesive layers on the subpad, whether they are formed sequentially or simultaneously, would have been within purview of the skilled artisan. However, it would have been obvious to sequentially form them on the subpad of Kodaka because it is known in the lamination art to sequentially form PSA layers on opposing

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surfaces of a foam substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60).

Regarding claim 5, all the limitations were addressed above with respect to claims 1 and 10, except forming the adhesive layer 207 before forming adhesive layer 203. Selection of which surface of the subpad to form the adhesive layer on first would have been within purview of the skilled artisan since only the expected results would have been achieved.

5. Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kodaka and the collective teachings of Sawamoto and Luhmann as applied to claim 3 above, and further in view of Chumbley et al. (US 5716687, of record).

Regarding claim 4, Kodaka is silent as to providing the material for the subpad and the adhesive layers in roll-good form. It would have been obvious to provide the material for the subpad and adhesive layers in roll-good form because such is well known and conventional when laminating PSA adhesive layers onto one or both sides of a substrate, as taught by Chumbley (Figure 6; column 3, lines 12-13; column 5, lines 11-16 and 29-35), and such allows for a continuous process.

6. Claims 1, 3, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swisher et al. (US 6477926, of record) and further in view of the collective teachings of Sawamoto et al. and Luhmann et al., and further in view of Kodaka.

\*It is noted that the present specification discloses that both the first and second adhesive layers can create stresses that result in curling of the subpad when that adhesive layer is added to its respective surface of the subpad *before* adhering the subpad to the polishing pad, as opposed

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to the prior art method of adding an adhesive to the polishing pad and then adhering the subpad to the polishing pad/adhesive combination.

With respect to claim 1, Swisher teaches a method of making a layered polishing pad 7/9 by forming a first double-sided adhesive layer (not shown; column 19, lines 6-8; column 18, lines 1-16) on a bottom surface of a subpad/backing sheet 39, forming a second double-sided adhesive layer 36/48 on a top surface of the subpad 39, providing a polishing pad layer 11 having a lower surface, and adhering the polishing pad layer to the subpad, with the subpad including the second double-sided adhesive layer 36/48 (column 18, lines 29-32), by pressing the polishing pad layer lower surface against the second adhesive layer 36/48 (Figures 1-2; column 17, lines 34-67; column 18, line 27 – column 19, line 8).

Swisher teaches both the first and second adhesive layers being contact adhesives, which are pressure sensitive adhesives (PSA) (column 18, lines 27-48; column 19, lines 6-8). Swisher teaches the second double-sided adhesive layer being formed on the subpad before bonding the polishing pad to the subpad (column 18, lines 29-32) and therefore teaches that the second double-sided adhesive layer can create stresses that result in curling of the subpad. However, it is unclear as to whether the reference also teaches forming the first double-sided adhesive layer on the subpad before bonding the polishing pad to the subpad.

It would have been obvious to form the first adhesive layer on the subpad of Swisher before adhering the subpad to the polishing pad because it is known to form PSA layers on opposing surfaces of a substrate before bonding the substrate to another substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60). Furthermore, it is also known to form PSA layers on opposing surfaces of a subpad

before bonding the subpad to a polishing pad, as taught by Kodaka (Figures 3A-3B; see paragraph 2 above for complete discussion). Therefore, since Swisher in view of Sawamoto, Luhmann and Kodaka teach forming the first double-sided adhesive layer on the subpad before bonding the subpad to the polishing pad they also teach that the first double-sided adhesive layer can create stresses that result in curling of the subpad.

Regarding claim 3, Swisher teaches the adhesive layers being contact adhesives, which are PSA's (column 18, lines 27-48; column 19, lines 6-8), but it is unclear as to whether the adhesive layers are attached to their respective surfaces of the subpad by lamination.

Selection of a particular method for forming the adhesive layers on the subpad would have been within purview of the skilled artisan; however, it would have been obvious to the skilled artisan to laminate the PSA layers of Swisher to their respective surfaces of the subpad because it is known in the adhesive art to laminate PSA layers on opposing surfaces of a substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60).

Regarding claim 10, all the limitations were addressed above with respect to claim 1 except sequentially forming the adhesive layers of Swisher on opposing surfaces of the subpad 39.

Selection of a particular sequence of steps for forming the adhesive layers on the subpad and bonding the polishing pad to the subpad would have been within purview of the skilled artisan. However, it would have been obvious to sequentially form the adhesive layers on the subpad of Swisher and then bond the subpad to the polishing pad because it is known in the lamination art to sequentially form PSA layers on opposing surfaces of a substrate before



bonding the substrate to another substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60).

Regarding claim 5, the previous paragraphs establish that Swisher in view of the collective teachings of Sawamoto and Luhmann and Kodaka teach performing all of the method steps set forth in claim 1 in the order presented except forming the adhesive layer on the bottom surface of the subpad before forming the adhesive layer 36/48 on the top surface of the subpad. Selection of which surface of the subpad to form the adhesive layer on first would have been within purview of the skilled artisan since only the expected results would have been achieved.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swisher, the collective teachings of Sawamoto and Luhmann, and also Kodaka as applied to claim 3 above, and further in view of Chumbley et al.

Regarding claim 4, Swisher in view of the collective teachings is silent as to providing the material for the subpad and the adhesive layers in roll-good form. It would have been obvious to provide the material for the subpad and adhesive layers in roll-good form because such is well known and conventional when laminating PSA adhesive layers onto one or both sides of a substrate, as taught by Chumbley (Figure 6; column 3, lines 12-13; column 5, lines 11-16 and 29-35), and such allows for a continuous process.

8. Claim 1, 3, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komukai et al. (US 2003/0171081, of record) in view of the collective teachings of Sawamoto et al. and Luhmann et al. and further in view of Kodaka.

\*It is noted that the present specification discloses that both the first and second adhesive layers can create stresses that result in curling of the subpad when that adhesive layer is added to

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its respective surface of the subpad *before* adhering the subpad to the polishing pad, as opposed to the prior art method of adding an adhesive to the polishing pad and then adhering the subpad to the polishing pad/adhesive combination.

With respect to claim 1, Komukai teaches a layered polishing pad comprising a first double-sided adhesive layer 14 on a bottom surface of a subpad 13, a second double-sided adhesive layer 12 on a top surface of the subpad, a polishing pad layer 10 having a lower surface, and the polishing pad layer adhered to the subpad by means of the second adhesive layer 12 (Figure 1, sections [0047, 0061, 0077]).

Komukai teaches the first and second adhesive layers being PSA (section [0047]) but it unclear as to a particular bonding order for the various layers; however, the skilled artisan would have appreciated this being so because the reference is only concerned with how the polishing pad 10 and its window 2 are integrally formed before the polishing pad is assembled with the other layers to form the layered polishing pad.

Therefore, selection of a particular bonding order for the layers would have been within purview of the skilled artisan; however, it would have been obvious to form the first and second adhesive layers on the subpad of Komukai before adhering the subpad to the polishing pad because it is known to form PSA layers on opposing surfaces of a substrate before bonding the substrate to another substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60). Furthermore, it is also known to form PSA layers on opposing surfaces of a subpad before bonding the subpad to a polishing pad, as taught by Kodaka (Figures 3A-3B; see paragraph 2 above for complete discussion).

Therefore, Komukai in view of Sawamoto, Luhmann and Kodaka teach forming the first and

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second adhesive layers on their respective surfaces of the subpad of Komukai before bonding the subpad to the polishing pad and therefore teach that the first and second double-sided adhesive layers can create stresses that result in curling of the subpad.

Regarding claim 3, Komukai teaches the adhesive layers being PSA (section [0047]) but is silent as to them being laminated onto their respective surfaces of the subpad. The examiner would like to point out that the subpad 13 of Komukai can be made from a variety of materials including foam (section [0047]).

Selection of a particular method for forming the adhesive layers on the subpad would have been within purview of the skilled artisan; however, it would have been obvious to the skilled artisan to laminate the PSA layers of Komukai to their respective surfaces of the subpad because it is known in the adhesive art to laminate PSA layers on opposing surfaces of a foam substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60).

Regarding claim 10, all the limitations were addressed above with respect to claim 1 except sequentially forming the adhesive layers of Komukai on opposing surfaces of the subpad 13.

Selection of a particular sequence of steps for forming the adhesive layers on the subpad and bonding the polishing pad to the subpad would have been within purview of the skilled artisan. However, it would have been obvious to sequentially form the adhesive layers on the subpad of Komukai and then bond the subpad to the polishing pad because it is known in the lamination art to sequentially form PSA layers on opposing surfaces of a substrate before

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bonding the substrate to another substrate, as taught by the collective teachings of Sawamoto (abstract; column 7, lines 45-52) and Luhmann (column 8, lines 50-60).

Regarding claim 5, the previous paragraphs establish that Komukai in view the collective teachings of Sawamoto and Luhmann and also Kodaka teach performing all of the method steps set forth in claim 1 in the order presented except forming the adhesive layer 14 on the bottom surface of the subpad before forming the adhesive layer 12 on the top surface of the subpad. Selection of which surface of the subpad to form the adhesive layer on first would have been within purview of the skilled artisan since only the expected results would have been achieved.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komukai, the collective teachings of Sawamoto and Luhmann, and also Kodaka as applied to claim 3 above, and further in view of Chumbley et al.

Regarding claim 4, Komukai is silent as to providing the material for the subpad and the adhesive layers in roll-good form. It would have been obvious to provide the material for the subpad and adhesive layers in roll-good form because such is well known and conventional when laminating PSA adhesive layers onto one or both sides of a substrate, as taught by Chumbley (Figure 6; column 3, lines 12-13; column 5, lines 11-16 and 29-35), and such allows for a continuous process.

10. Claims 2, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komukai, the collective teachings of Sawamoto and Luhmann, and also Kodaka as applied to claim 10 above and further in view of Beaudry (US 6676501, of record).

Regarding claim 6, all the limitations were addressed with respect to claim 10 above except forming the opening through the adhesive layers and subpad before securing the polishing

pad to the subpad and the polishing pad having a window formed therein such that the window is aligned to the opening. Komukai teaches the adhesive layers and subpad having an opening, the polishing pad having a window 2, and aligning the window to the opening (Figure 1).

It would have been obvious to form the opening through the adhesive layers and subpad after they are laminated to each other but before the polishing pad is bonded thereto because it is known in the polishing pad art to bond adhesive and pad layers and then cut the bonded laminate, as taught by Beaudry (abstract; Figure 6a; column 3, lines 1-5 and 29-30 and 40-45; column 4, lines 32-35), where this eliminates having to form the opening once the subpad is bonded to the polishing pad thereby eliminating the chance of damaging the window formed in the polishing pad during such a forming step.

Regarding claim 2, all the limitations were addressed above with respect to claim 6.

Regarding claim 9, all the limitations were addressed above with respect to claims 6 and 10 except the window and opening forming an optical path that includes no adhesive. Komukai teaches such (Figure 1; note Figure 1 of Komukai is identical to Figure 7 of present invention).

11. Claims 7-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Komukai, the collective teachings of Sawamoto and Luhmann, Kodaka, and also Beaudry as applied to claim 6 above and further in view of Chumbley.

Regarding claim 7, all the limitations were addressed above with respect to claim 4.

Regarding claim 8, it would have been obvious to laminate the subpad and the first adhesive layer by feeding the same through nip rolls because such is a known technique for laminating PSA and substrate materials provided in roll-good form, as taught by Chumbley (Figure 6). As for maintaining the laminated structure exiting the nip rollers substantially

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horizontally for a time sufficient for the laminated structure to cure such would have been obvious so as to prevent delamination in subsequent processing steps.

*Response to Arguments*

12. Applicant's arguments filed 3/8/06 have been fully considered but they are not persuasive.

13. Applicant argues that Swisher fails to teach 1) applying a double-sided adhesive layer to each side of the subpad, 2) a double-sided adhesive layer between the pad and subpad that can curl the subpad, or 3) the order of applying a double-sided adhesive layer first to the subpad and then adding the subpad to the polishing pad.

As for Swisher failing teach 1) applying a double-sided adhesive layer to each side of the subpad, the examiner invites Applicant to reread the rejection set forth in paragraph 6 above. To reiterate, Swisher teaches forming a first double-sided adhesive layer (not shown; column 19, lines 6-8; column 18, lines 1-16) on a bottom surface of a subpad/backing sheet 39 and forming a second double-sided adhesive layer 36/48 on a top surface of the subpad 39 (Figures 1-2).

Based on Applicant's arguments, it appears that Applicant's position is that the claimed 'double-sided adhesive' layer is a laminate having a sandwich structure wherein a substrate is sandwiched between two adhesive layers, much like the double-sided adhesive layer 48 (substrate 51, adhesive layers 54 and 57) shown in Figure 2 of Swisher. However, the examiner would like to point out that **when given its broadest interpretation, Applicant's claimed 'double-sided adhesive layer' is at least one layer that exhibits adhesiveness on both its top and bottom sides**, much like the adhesive layer 36 shown in Figure 1 of Swisher. The examiner would also like to point out that the **present specification does not have support for a double-**

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**sided adhesive layer comprising a substrate sandwiched between two adhesive layers and therefore such an amendment would raise the issue of new matter.**

As for Swisher failing to teach 2) a double-sided adhesive layer between the pad and subpad that can curl the subpad, Applicant is invited to reread the rejection set forth in paragraph 6 above where the examiner clearly set forth how Swisher teaches the second double-sided adhesive layer 36/48 between the pad and subpad that can create stresses that result in curling of the subpad and how Swisher in view of the collective teachings of Sawamoto and Luhmann and also in view of Kodaka teach that the first double-sided adhesive layer can create stresses that result in curling of the subpad.

As for Swisher failing to teach 3) the order of applying a double-sided adhesive layer first to the subpad and then adding the subpad to the polishing pad, Applicant is invited to reread the rejection set forth in paragraph 6 above. To reiterate, Swisher teaches applying a double-sided adhesive layer 36/48 first to the subpad and then adding the subpad to the polishing pad (column 18, lines 29-32).

14. Applicant argues that Kodaka fails to teach 1) applying a double-sided adhesive layer to each side of the subpad, 2) a double-sided adhesive layer between the pad and subpad that can curl the subpad, or 3) the order of applying a double-sided adhesive layer first to the subpad and then adding the subpad to the polishing pad.

As for Kodaka failing teach 1) applying a double-sided adhesive layer to each side of the subpad, the examiner invites Applicant to reread the rejection set forth in paragraph 2 above. To reiterate, Kodaka teaches forming a first double-sided adhesive layer 207 on a bottom surface of

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a subpad 205 and forming a second double-sided adhesive layer 203 on a top surface of the subpad (Figures 3A-C, section [0035]).

Based on Applicant's arguments, it appears that Applicant's position is that the claimed 'double-sided adhesive' layer is a laminate having a sandwich structure wherein a substrate is sandwiched between two adhesive layers, much like the double-sided adhesive layer 48 (substrate 51, adhesive layers 54 and 57) shown in Figure 2 of Swisher. However, the examiner would like to point out that **when given its broadest interpretation, Applicant's claimed 'double-sided adhesive layer' is at least one layer that exhibits adhesiveness on both its top and bottom sides**, much like the adhesive layers 207 and 203 shown in Figure 3A of Kodaka. The examiner would also like to point out that the **present specification does not have support for a double-sided adhesive layer comprising a substrate sandwiched between two adhesive layers** and therefore such an amendment would raise the issue of new matter.

As for Kodaka failing to teach 2) a double-sided adhesive layer between the pad and subpad that can curl the subpad, Applicant is invited to reread the rejection set forth in paragraph 2 above where the examiner clearly established that Kodaka teaches the second double-sided adhesive layer 203 being formed on the subpad before adhering the subpad to the polishing pad (Figure 3A and then Figure 2) and therefore teaches that the second double-sided adhesive layer can create stresses that result in curling of the subpad.

As for Kodaka failing to teach 3) the order of applying a double-sided adhesive layer first to the subpad and then adding the subpad to the polishing pad, Applicant is invited to reread the rejection set forth in paragraph 2 above. To reiterate, Kodaka teaches applying the first and



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second double-sided adhesive layers to the subpad and then adding the subpad to the polishing pad (Figures 3A-3C and section [0035]).

15. Applicant argues that Komukai teaches adding in sequence the pressure sensitive adhesive to the polishing pad, then the subpad, then the pressure sensitive adhesive to the top of the subpad and therefore teaches away from Applicant's claimed invention.

The examiner invites Applicant to reread the rejection set forth in paragraph 8 above where the examiner established that Komukai in view of the collective teachings of Sawamoto and Luhmann and further in view of Kodaka teach forming the first and second adhesive layers on the top and bottom surfaces of the subpad of Komukai before adhering the subpad to the polishing pad and therefore teach first and second adhesive layers that can create stresses that result in curling of the subpad.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JESSICA ROSSI**  
**PRIMARY EXAMINER**

